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THE

TRIAL

OF

Mrs. Elizabeth Williams,

IN THE

Arches Court of Canterbury,

At DOCTORS COMMONS,

For Committing

ADULTERY

WITH

JOSEPH PEYTON, Esq.

CAPTAIN of the BEAVER SLOOP.

In which is given,

The Whole of the Depositions of the several Witnesses, fully describing the critical, amorous, and humorous Scenes in that unparalleled Trial.

LONDON:

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THE TRIAL,

OF

Mrs Elizabeth Williams,

LATE

Archer's Cow'f of Canterbury,

At DOCTORS COMMONS,

For Committing

A DUELL WITH

JOSEPH MERRITT,

Captain of the Dragon Sloop.

The Whole of the Depositions of the Several Witnesses, with the Judgment, Pro and Con, and Sentence in that memorable Trial.

4/25/46 Mrs Lund

THE TRIAL OF Mrs. E. WILLIAMS, &c.

LIBEL.

IN the name of God, Amen. Before you the right worſhipful Peter Calvert, doctor of laws, official principal of the Arches court of Canterbury, lawfully conſtituted your ſurrogate, or any other competent judge in this behalf, the proctor of John Williams, of the city and dioceſe of Exeter and province of Canterbury, (the lawful huſband of Elizabeth Williams) againſt the ſaid Elizabeth Williams, his wife, of the pariſh of Northam, in the county of Devon, dioceſe of Exeter and province of Canterbury, and againſt every other perſon and perſons lawfully intervening, or appearing in judgment for her before you, by way of complaint, and hereby complaining unto you in this behalf, doth ſay, alledge, and, in law, articulately propound as follows: (to wit)

I. That in the months of January, &c. 1774, John Williams, being a batchelor, did make his addreſſes and courtſhips to Elizabeth Williams, then

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then Elizabeth Melhuiſh, of the pariſh of Withecombe Rawleigh, in the county of Devon; and the ſaid John Williams and Elizabeth Williams, then Elizabeth Melhuiſh, were lawfully joined together in holy matrimony.

II. That the paper marked No. 1, doth alledge and propund the ſame to be, and contain, a true copy of the entry of the marriage of John Williams, and Elizabeth Williams, formerly Melhuiſh, mentioned in the next preceding article.

III. That from, and immediately after the ſolemnization of the ſaid marriage, John Williams, and Elizabeth Williams his wife, lived and cohabited together, at bed and board, as lawful huſband and wife, and conſumated their marriage by carnal copulation, and procreation of three children, two of whom are now living; and they ſo lived and cohabited together at divers places.

IV. That the ſaid John Williams continued to live and cohabit with the ſaid Elizabeth his wife, until October, 1780; but the ſaid Elizabeth having frequently propoſed and inſiſted on a ſeparation, he at length ſubmitted in October, 1780, and have not at any time ſince lived with her.

V. That the ſaid Elizabeth, was and is a woman of an unchaſte and incontenent diſpoſition; did carry on an adulterous correſpondence with J. Peyton, commander of his Majeſty's ſloop of war the Beaver; and frequently committed the foul crime of adultery with him.

VI. That in the ſummer of 1779, Mr. Williams took lodgings at Mrs. Lucy Hutchinſon, at Exmouth; here he contracted an intimacy with J. Payton,

Peyton, and ſeveral times invited him to his houſe; and Mr. Peyton taking advantage of the abſence of Mr. Williams, making many indecent familiarities with Elizabeth and J. Peyton, frequently had the carnal uſe and knowledge of each other's bodies; and thereby the ſaid Elizabeth committed the foul crime of adultery.

VII. That Suſanna Reeves, delivered to Mrs. Williams, a clean ſhift, which ſhe put on, & when Mrs. Williams went to bed that night, ſhe ordered her to bring her another clean ſhift the next morning, which ſhe accordingly did; and Mrs. Williams put it on; and ſhe took away the ſhift ſhe had given her the morning before; and as J. Peyton and Mrs. Williams, had been alone all or greateſt part of the preceding day; and Suſanna Reeves, ſuſpecting that there was a criminal intercourſe between them, examined the ſhift, which Mrs. Williams wore that day, and obſerved thereon divers marks or ſtains, as if Mrs. Williams had been in the act of carnal c———n, although J. Williams had been the whole of that night at Exeter.

VIII. That Mrs. Williams called for a pillow, and laid herſelf down in the parlour, on the carpet before the fire; ſoon after which J. Peyton came to the lodgings, and went into the parlour, and continued alone in the dark with Mrs. Williams for ſome time. She ſuſpected that there would that evening, be a criminal intercourſe betwen J. Peyton, waited near the parlour door and liſtened; and that Mrs. Williams, then in the parlour, played, romped, and ſtruggled together,

together, ſhe then very plainly and diſtinctly heard J. Peyton aſk Elizabeth Williams to let him r—r her, and then a ſcuffle, buſtle, or ſtruggle enſued, and ſhe then heard them breathe ſhort, in ſuch a manner that ſhe then did believe, and now doth believe, and is convinced, that they, Joſeph Peyton and Eliz. Williams, were then in the act of c—l c———n. She examined the ſhift Mrs. Williams then pulled off, and had worn the preceding evening, and obſerved thereon divers marks or ſtains, ſuch as are uſual on women's linen, after they have been in the act of c——l c———n with a man, although the ſaid John Williams had not been there on the whole of the preceding day or night.

IX. That in the year 1780, John Williams took lodgings at the houſe of Mr. Swale, on the road to Topſham; Joſeph Peyton and Elizabeth Williams went into the parlour together; that they continued alone a conſiderable time with the doors ſhut; and, during that time, had the carnal uſe and knowledge of each others bodies.

X. That Joſeph Peyton again went to ſee and viſit her there, and had then boots on, and they were alone together in the ſaid parlour upwards of an hour; and during that time had the carnal knowledge and uſe of each others bodies; and thereby the ſaid Elizabeth Williams committed the foul crime of adultery.

XI. That about Midſummer, 1780, the ſaid John Williams took lodgings for his wife and family, at a place called Dawliſh, on the coaſt of Devonſhire, and about four miles on the weſt ſide of that part of the river Exe, in which the Beaver ſloop then lay, and about twelve miles from Exeter; and they continued there till about Michaelmas 1780; and as ſoon as the ſaid Elizabeth Williams was ſettled at Dawliſh, the ſaid Joſeph Peyton removed his horſe to that place from Exmouth, and was almoſt conſtantly with her there alone, at ſuch times as the ſaid John Williams

was

was abſent; and at many of ſuch times, they the ſaid Joſeph Peyton and Elizabeth Williams had the carnal uſe and knowledge of each others bodies; and thereby the ſaid Elizabeth Williams committed the foul crime of adultery. And this was, and is true, public and notorious; and ſo much the ſaid Elizabeth Williams doth know in her conſcience to be true, and the party proponent doth alledge and propound as before.

XII. That when the ſaid Elizabeth Williams firſt went to Dawliſh, ſhe had lodgings at the houſe of Mr. Cleave, and afterwards at the houſe of Sarah Dearing, on the Strand; that the ſaid Elizabeth Williams and Joſeph Peyton had many interviews at Dawliſh, in the abſence of the ſaid John Williams, at all hours of the day and evening, and were alone together for ſeveral hours at a time; that there was a ſmall tent bed in the little parlour, in the houſe of the ſaid Sarah Dearing, in which the ſaid John Williams ſometimes lay, and at other times a man ſervant lay there; that when the ſaid Joſeph Peyton was there, the ſaid bed frequently appeared to be rumbled, as if ſome perſons had been laying thereon, after having been made up in a morning; and, on a day whilſt the ſaid Elizabeth Williams lodged at the ſaid Sarah Dearing's, the aforeſaid Suſannah Reeves going into the garden met the ſaid Joſeph Peyton, and on her going into the ſaid little parlour, ſoon afterwards, ſhe ſaw Elizabeth Williams moving the cloaths of the ſaid tent bed, and laying the ſame ſmooth, notwithſtanding the ſaid bed had that morning been made by the ſaid Suſannah Reeves; and on her entering into the ſaid little parlour, the ſaid Elizabeth Williams threw the ſervant's great coat on the ſaid bed; and at that time, and all other times when the ſaid bed was ſo tumbled, there appeared marks, or ſcratches on the floor near the ſaid bed, as if done by the tops of boots, or a man's ſhoes; and at all ſuch times as the ſaid Joſeph Peyton and Elizabeth Williams had been together, when the ſaid

Elizabeth

Elizabeth Williams next changed her ſhift, there were marks or ſtains of e——n of ſ—d thereon, as if the ſaid Elizabeth Williams had been in the act of c——l c——n, notwithſtanding the ſaid John Williams was then at Exeter, and her ſtockings were at ſuch times marked, and very dirty, as with the blacking of boots. And this was, and is true, public, and notorious; and ſo much the ſaid Elizabeth Williams doth know in her conſcience to be true, and the party proponent doth alledge and propound as before.

XIII. That about Michaelmas, 1780, the ſaid Elizabeth Williams being then at Dawliſh, ſhe, at the inſtigation of the ſaid Joſeph Peyton inſiſted on being ſeparated from John Williams, which he at laſt agreed to.

XIV. That ſoon after the date of the ſaid articles of ſeparation, the ſaid Elizabeth Williams took lodgings, and went to live at the houſe of Mrs. Millener, at Sidmouth, in the county of Devon, where ſhe continued to live for ſome time; and there, and at ſeveral other places hath conſtantly carried on a lewd and adulterous correſpondence with Joſeph Peyton.

[*There are twelve other articles ſimilar to thoſe already given.*]

That John Williams prays he may be divorced from bed, board, and mutual cohabitation, with the ſaid Elizabeth Williams his wife; by reaſon of the adultery by her committed; and that farther may be done and decreed in the premiſſes as ſhall be lawful in this behalf; the party proponent not obliging himſelf to prove all and ſingular the premiſſes, or to the burthen of a ſuperfluous proof, againſt which he proteſts and prays, that ſo far as he ſhall prove in the premiſſes, he may obtain in his petition the benefit of the law, being always preſerved, humbly imploring the aid of your office in this behalf.

The

IN THE

Arches COURT of Canterbury.

DEPOSITIONS.

The Depoſition of Ralph Swale.

RALPH SWALE, of the pariſh f Heavitree, in the county of Devon, yeoman, aged about fifty years, a witneſs produced and ſworn, depoſes and ſays, that Mr. John Williams, a party in this cauſe, in the beginning of the year 1780, (to the beſt of his recollection) came and hired the deponent's lodgings, for the recovery of one of the children's health; which lodgings are ſituated on Topſham-road, and about a mile and a half from the city of Exeter. The apartments which were taken by the ſaid John Williams, for his children and ſervants, conſiſted of two lodging rooms, and one little parlour which looks out into the high road, though at ſome little diſtance; and which, Mrs. Williams (wife of the ſaid John Williams, the other party in this cauſe) about a week after the lodgings were hired, deſired they might be exchanged for a great parlour in this deponent's houſe; which was accordingly complied with: in which great parlour, at that time, there was only one window, looking into the court, which is too high for any perſon to look in at from the court: the height being upwards of eight feet, in this deponent's opinion. That, in the ſaid great parlour there was an elbow chair, placed in a corner by the ſide of the chimney; and which was ſo ſituated as not to be ſeen by any one, even though they could have looked in at the window.

He further ſays, that he well knows Joſeph Peyton, commonly called Capt. Peyton; and that he came to know him, from his frequent viſits to Mrs. Williams at his houſe: that, at ſundry times, when ſhe came to ſee her children at the aforeſaid lodgings, ſhe would ſometimes come with Capt. Peyton and other company, but oftner met him there. That, when Capt. Peyton uſed to be in the parlour with her, the children were conſtantly ſent out in the garden, or other walks, with their nurſe, Suſanna Tozer (now Reeves); and Capt. Peyton and Mrs. Williams would often continue together alone for an hour or more, with the door ſhut; and this deponent has often ſuſpected, and told his wife, he thought there was too much familiarity carried on between Capt. Peyton and the ſaid Mrs. Williams. That this deponent did alſo obſerve certain ſtains or marks on the floor of the parlour, (which was new deal) near the great chair, immediately after Capt. Peyton and Mrs. Williams left the room, and which appeared to him to be like ——— coming from man or woman that had been in the act of ——; and that he verily believes they then had the carnal knowledge of each other, and did then commit the crime of adultery.

This deponent further ſays, that after Capt. Peyton uſed to be alone with Mrs. Williams, he had obſerved her hair to be much diſhevelled and tumbled; that, when the Capt. did leave her, ſhe would accompany him to the door; at which time her eyes appeared red, as though ſhe had been crying. That, as ſoon as the Captain had mounted his horſe, ſhe would go to her chamber-window which fronted the road, and look after him till he was out of ſight; and he would look back frequently, over his ſhoulders, to her at the ſame time: and further to this article he cannot depoſe, ſave only that the Captain was frequently alone with her,

her, with his boots on, and he has heard Suſannah Tozer ſay, that the Captain once gave her half a guinea, but for what purpoſe he cannot depoſe.

RALPH SWALE.

The Depoſition of Suſannah Reeves.

SUSANNAH REEVES, late Tozer, now reſiding in Briſtol, aged twenty-four years, a witneſs produced and ſworn.

To the third article of the libel ſhe depoſes, that in the year one thouſand ſeven hundred and ſeventy-ſeven, (as ſhe believes the time to be) ſhe was hired as a wet nurſe by Mrs. Williams for her child: this deponent ſaith, that when ſhe came to live with the parties in this cauſe, they lived and cohabited together as lawful huſband and wife, and had then one child, afterwards chriſtened by the name of John Melluiſh; and during the time of her ſtay there, Mrs. Williams had another ſon, which was privately baptized by the name of Humphrey Melluiſh. And this deponent hath heard, and been informed, that ſhe had one child dead-born before ſhe came to live with Mrs. Williams. She likewiſe depoſes, that ſhe lived with her maſter and miſtreſs in the city of Exeter, at Exmouth and Dawliſh; that Mrs. Williams had owned to this deponent, her marriage with her huſband Mr. Williams, and that it was ſolemnized in the chapel of Wythecomb.

To the fourth article ſhe depoſes, that to the beſt of her belief and knowledge, Mr. Williams behaved to Mrs. Williams with great love and affection: that Mrs. Williams hath more than once declared to this deponent, that ſhe wiſhed to be ſeparated from her huſband, as ſhe did not like him, and could not live happy with him. This deponent apprehends

and believes, that there were articles of ſeparation executed between Mr. Williams and his wife, about October 1780; but whether Mr. Williams ſubmitted to it with reluctance, ſhe cannot depoſe: that ſhe left Mr. Williams's ſervice ſoon after the ſeparation took place; and whether Mr. Williams and his wife ſince cohabited together, ſhe cannot depoſe.

To the fifth, ſixth, ſeventh and eighth articles this deponent ſays, that ſhe knows Joſeph Peyton the younger, commonly called Captain Peyton: that ſhe came to know him by his frequent viſits at her maſter's houſe: that in the ſummer (which ſhe believes to be in the year 1779) her maſter took lodgings at the houſe of Mrs. Lucy Hutchinſon, in Exmouth, for his wife and children: that her maſter uſually came to Exmouth on Saturday evenings; and tarried there till the Monday morning, when he went to Exeter to attend his neceſſary buſineſs; that during his ſtay there, Captain Peyton often viſited at the houſe, but more frequently in his abſence; that he almoſt every day breakfaſted, drank tea, and ſpent the evening alone with Mrs. Williams, till nine or ten o'clock at night. That he very ſeldom dined there, as Mrs. Williams told this deponent the people would remark it, if he did ſo in Mr. Williams's abſence, as they had told about the Captain and her.

She further depoſes, that one day, ſhe believes in November, ſhe, with another ſervant and the children, were ſent to Exeter; that, when ſhe left Exmouth, Captain Peyton and her miſtreſs were then alone together; and ſhe found them ſo when ſhe returned in the evening. That during her abſence, the handle of the lock on the door of the parlour, in which Mrs. Williams and Captain Peyton uſually ſat, was taken off (but by whom ſhe cannot ſay) ſo that the ſaid door could not be opened on the outſide; and,

and, if this deponent wanted to ſpeak to her miſtreſs afterwards, on any account, ſhe was obliged to wait till it was opened by ſome one within. That her miſtreſs and Captain Peyton were often together in the ſaid room, with the door ſhut; and that the Captain uſed frequently to open the door to let this deponent in.

She further ſaith, that on the ſame day mentioned above, ſhe delivered to her miſtreſs a clean ſhift, before ſhe ſet out for Exeter; and, after her return to Exmouth that evening, when ſhe went up to wait on her miſtreſs to bed, ſhe then ordered this deponent to put another clean ſhift by the fire, for her to wear the next morning; and this deponent ſuſpecting a criminal intercourſe between Captain Peyton and her miſtreſs, examined the ſhift which ſhe had worn the preceding day, and was then taken off; and the deponent obſerved ſeveral marks and ſtains thereon, which ſhe verily believes were occaſioned by carnal ——— between Captain Peyton and her miſtreſs, as her maſter had been from Exmouth ſome days.

She further ſaith, that ſome evening in November 1779, her miſtreſs returning from a walk, ordered her to bring her a pillow into the parlour, which ſhe did, and her miſtreſs lay down on the carpet before the fire; that it was then dark, and ſhe ſhut the windows by her miſtreſs's orders: the deponent then brought in candles, which her miſtreſs ordered her to put out, becauſe ſhe ſaid ſhe wanted to ſleep. Some time after, her miſtreſs ordered her to light the candles; ſhe then went into the room with a lighted candle, and ſaw Captain Peyton walking up and down the room, and her miſtreſs ſtanding againſt the wall in a very indecent attitude; her dreſs likewiſe much tumbled and diſcompoſed; and her miſtreſs then ordered her to bolt the back-door (no perſon being

being in the houſe at that time but her miſtreſs, and Captain Peyton and herſelf) and go to the bake-houſe for hot bread; but ſhe did not go; and ſuſpecting a criminal intercourſe between the parties, as before, ſhe liſtened near the parlour door, and heard them romping and playing together: and ſhe plainly heard Captain Peyton aſk her miſtreſs to let him r—— r her; that a buſtle and ſtruggle enſued, and ſhe ſoon heard them breathe ſhort, in ſuch a manner as ſhe verily thought they were in the act of carnal ———, and did then commit the crime of adultery together: that her miſtreſs had then on a flowered muſlin apron, which was very much torn under the tongue of her ſtays (which was ſharp) and which was not ſo in the morning, when the deponent delivered it to her miſtreſs; ſhe likewiſe ſays that ſhe carried her miſtreſs a clean ſhift the next morning, and obſerved on that which Mrs. Williams had taken off, divers marks or ſtains, as if two people had c—— l knowledge of each other.

She further depoſes that, in the beginning of the year 1780, to the beſt of her recollection, her miſtreſs hired Mrs. Swale's lodgings, which were ſituated about a mile and a half from Exeter, on the Topſham road; the apartments of which, taken by Mrs. Williams, for her children and this deponent, conſiſted of two lodging-rooms, and one little parlour, which looks out into the high-road, though at ſome little diſtance; in which little parlour this deponent ſays, Captain Peyton and her miſtreſs were often alone together, the floor of which was new deal; and that, at one particular time, her miſtreſs came neat and clean dreſſed, in a white jacket and petticoat, and white ſilk ſtockings, all ſmooth and unrumpled: that ſhe met Captain Peyton there, and they were alone for ſome time; that when the Captain

tain went away, this deponent brought him his horſe, and he gave her half a guinea. That ſhe then went into the little parlour, and found that Mrs. Williams was walked into the garden; ſhe then ſaw ſeveral marks or ſcratches on the floor, near the chimney, which appeared to this deponent to have been made hy the tops or points of boots. That ſhe went to her miſtreſs in the garden, who ſaid ſomething to this deponent about half a guinea, but what ſhe does not perfectly recollect; and then this deponent told her miſtreſs that ſhe had got half a guinea, which the Captain had juſt given her. Mrs. Williams then ſmiled, and ſaid ſhe had juſt lent it him. That her miſtreſs afterwards went home to Exeter, and this deponent followed her, and obſerved her dreſs to be much diſordered and tumbled, with her hair diſhevelled; and ſhe likewiſe perceived that her ſtockings were very dirty on the inſide, as if they had been diſcoloured with the blacking of boots, which the Captain generally wore when he came to Swale's lodgings. And this deponent ſays that, about a week after the lodgings were hired, her miſtreſs deſired that the ſmall parlour might be exchanged for a great parlour in Mr. Swale's houſe, which was complied with: in which great parlour, at that time, there was only one window, looking into the court, which is too high for any perſon to look in at, from the court. That, in the great parlour, there was an elbow-chair, placed in a dark corner of the room: that Mrs. Williams uſed frequently to walk from Exeter to the aforeſaid lodgings to ſee her children; and Captain Peyton generally met, and ſometimes accompanied her there; that when he did come, the children uſed to be ſent out of the parlour, into the garden, with this deponent; and the Captain and her miſtreſs uſed to remain alone in the parlour together, with the door

ſhut.

ſhut. That the floor of it was new deal; which had been waſhed by this deponent one particular night, but the exact time ſhe does not now recollect; and, the morning following, Mrs. Williams and the Captain met there, and were together alone: that, after ſome time, they quitted the aforeſaid room; and then the Captain and her miſtreſs returned to it; and this deponent obſerved ſeveral marks or ſcratches on the floor, of about half the length of a man, before the great chair that ſtood in the dark corner of the room; and which appeared to her to have been done with the points of boots, or ſhoes; and this deponent obſerving ſomething on a chair that was in the room, which appeared like ———, and her miſtreſs perceiving that this deponent ſaw it, wiped it away with her own handkerchief.

That, about Midſummer, 1780, Mr. Williams took lodgings at a Mr. Cleave's, for his wife and family, at a place called Dawliſh, in the county of Devon, about four miles on the weſt ſide of that part of the river Exe, in which the Beaver ſloop, commanded by Captain Peyton, then lay, and about twelve miles from Exeter; and they ſtaid there about three months.

And this deponent further ſays, that Captain Peyton, ſoon after her miſtreſs's going to Dawliſh, removed his horſe from Exmouth, where he uſed to keep it, to that place; that, ſome time after Mr. Williams had taken Cleave's lodgings, he likewiſe took, at Mrs. Williams's requeſt, to accommodate the family better (as ſhe ſaid) Deering's lodgings in the ſame village, but at ſome diſtance from the other; which was ſeldom reſorted to by any of the ſervants, but for the purpoſes of ſleeping, cleaning the rooms, and making the beds. That, on a particular day, which ſhe does not now recollect, her miſtreſs and Captain Peyton were alone together, in a room

room adjoining to a bed-chamber, that either the Captain or her miſtreſs knocked upon the floor (no bell being in the room;) that ſhe went up to them, and found her miſtreſs ſitting on the Captain's knee, very faint and low, and the Captain kiſſing her at the ſame time. That he afterwards helped her, with this deponent into the next room, and put her upon the bed.

She alſo depoſes that, at Mrs. Deering's lodging's, there was a tent-bed in a little parlour, in which bed her maſter uſed to ſleep, when at Dawliſh; for her miſtreſs ſaid ſhe did not chooſe Mr. Williams ſhould ſleep with her, as he had hurt his rib by a fall from his horſe; and that ſhe would ſleep as ſoon with a woman as with Mr. Williams, for ſhe might ſleep for a month together with him, without knowing whether he was man or woman.

That the tent bed. in which the cook-maid, Mary Lane, and ſometimes a ſervant belonging to Mr. Williams, in his abſence, likewiſe uſe to ſleep, has been frequently found tumbled, after having been made up in a morning by her; as it has at other times, after having been made up by Mary Lane, as the ſaid Mary Lane hath told this deponent.

She further ſays, that one particular time, as ſhe was going into the garden, which is in the front of Deering's lodging's, ſhe met Capt. Peyton in the garden; and, as this deponent paſſed the little parlour window, which looked into it, ſhe ſaw her miſtreſs moving the cloaths of the tent-bed, and endeavouring to lay them ſmooth, notwithſtanding the bed had been made by this deponent in the morning; and, upon her entering into the room, ſhe ſaw that the

ſervant man's great coat, which uſually hung behind the door, was thrown on the bed; and that the bed, at that time, appeared to have been much tumbled; and that there were ſeveral marks or ſcratches near the bed, on the boards, as if made by the tops of boots or ſhoes: and that then (as well as ſhe recollects) and frequently at other times, when her miſtreſs changed her ſhifts, after having been alone with Captain Peyton, ſhe has obſerved ſeveral marks or ſtains, as if cauſed by emiſſion of ——, and her ſtockings were dirty, as if occaſioned by the blacking of boots; and other ſtains upon the upper part of her ſtockings: and, from the above circumſtances, this deponent verily believes, that Captain Peyton had carnal knowledge of the ſaid Mrs. Williams; and that they did, then and there, commit the crime of adultery.

She further ſays that, one evening, when the Captain came to her miſtreſs's lodgings at Cleave's, much intoxicated with liquor, and her miſtreſs ſuddenly retiring to the other lodgings, he followed her; and, finding the door ſhut againſt him, he ſaid to this deponent, that her miſtreſs did not uſe to be ſo ſqueamiſh; and that there had been times, when he could have taken more liberties; or words to that effect; and that this deponent, not being able to prevail on him to go to his lodgings, Mrs. Williams came down to him, with her gown and ſtays off, in her night-cap and bed-gown, and led him to his own lodgings, at Mrs. Dyer's, whoſe houſe was at ſome conſiderable diſtance.

She further depoſes that, on a certain evening, when the Captain came to take his leave of Mrs. Williams, propoſing to ſail the next morning, ſhe obſerved the Captain and her miſtreſs ſitting in the parlour-window,

dow, both in tears; and the Captain had one hand round her waiſt, and the other in her pocket-hole, and her head was reclined on his boſom. Mrs. Williams told the deponent to go and fetch a little box, with rings and other trinkets contained in it, to give to the Captain, who forbad the deponent to go for it. She alſo ſays, that her miſtreſs offered this deponent two guineas, to go to Exeter, to take her picture out of the drawing room unknown to her maſter, or any perſon in the houſe, which ſhe refuſed to do.

She further depoſes, that Mrs. Williams had lodgings at Sidmouth, that, on her leaving Dawliſh to go to Sidmouth, ſhe left with the deponent a box, which ſhe ſaid contained fifty guineas, with ſome papers and writings, which ſhe ſaw Mrs. Williams put into it; which ſhe then ſealed up, and told this depenont to deliver to the captain as ſoon as he returned from ſea; which ſhe delivered accordingly to the captain when he came back about a fortnight afterwards. That this deponent then told the captain, by her miſtreſs's direction, that her miſtreſs was gone to Sidmouth; and the Captain then gave her a guinea, and told her to call on him the next morning, to carry a letter to Mrs. Williams at Sidmouth; which ſhe accordingly did; and that the ſame day (afterwards) Mrs. Williams rode out, and on her return told the deponent ſhe had met the Captain; and then gave her papers or writings, which ſhe apprehended were articles of ſeparation between Mr. Williams and his wife; and which ſhe afterwards delivered to Captain Peyton at Exmouth; at which time, Mrs. Williams alſo gave her a guinea. And this deponent aſked leave to go to Exeter, to ſee the child that was then with her maſter; but her miſtreſs told her ſhe had better not, as the ſervants might aſk her queſtions.

She ſays, ſhe was produced on the trial, between Mr. Williams and Captain Peyton, as a witneſs, and

croſs-examined by the defendant's counſel. She alſo ſays that, from all the circumſtances related in her foregoing depoſition, ſhe does verily, and in her conſcience believe, that Mrs. Williams is of a lewd, vicious, incontinent diſpoſition, and has often committed the crime of adultery with Captain Peyton.

The Mark of
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SUSANNAH REEVES.

The Depoſition of Mary Cruiſe.

MARY CRUISE, wife of Samuel Cruiſe, of Briſtol, aged thirty-ſix years, depoſes and ſays, that ſhe was hired as a cook maid, by Mrs. Williams, party in this cauſe, in the year 1780. That, at that time, Mrs. Williams had two lodgings, one of Mrs. Cleave, and the other of Mrs. Dearing, at Dawliſh. That one night, about eight or nine o'clock, as ſhe believes, about a month after ſhe lived with Mrs. Williams, ſhe opened the parlour door at Cleave's lodgings, to ſpeak to her miſtreſs, and then ſaw Captain Peyton ſitting in the window-ſeat with her miſtreſs, with his hand in her boſom. She likewiſe ſays, that one day Suſannah Tozer ſhewed this deponent one of her miſtreſs's ſhifts, on which were ſeveral marks or ſtains; and ſaid to her, that if ſhe had ever a mind to know when Captain Peyton had been with her miſtreſs, ſhe would have her take notice of her ſhifts, which, this deponent generally waſhed: and the deponent frequently afterwards ſaw the like marks und ſtains on her miſtreſs's ſhifts, when they were given to her for that purpoſe. But ſhe never obſerved thoſe marks and ſtains after Mr. Williams (party in this cauſe) had been at

Daw-

Dawliſh with her miſtreſs, if Captain Peyton was abſent from that place.

That about ſix weeks (as ſhe believes) after ſhe was in Mrs. Williams's ſervice, being in converſation with her miſtreſs, ſhe ſaid ſomething about her maſter; and Mrs. Williams aſked who ſhe called maſter? And ſhe replied Mr. Williams. That then Mrs. Williams anſwered, that ſhe (the deponent) had no maſter, and herſelf no huſband, as they were ſeparated.

She further depoſes that, about Michaelmas, 1780, as ſhe apprehends, there were articles of ſeparation between her maſter and miſtreſs; and, that her miſtreſs told her ſhe had an allowance of two hundred pounds a year, as long as ſhe kept maſter Williams; (meaning her child) that ſhe does not know at whoſe inſtance the articles were drawn, or whether Mr. Williams ſubmitted to them with reluctance or not: and further to theſe particulars ſhe cannot depoſe, ſave only, that there was a tent-bed in the little parlour at Dearing's.

She further depoſes that, ſome time after the ſeparation took place, there were lodgings taken for Mrs. Williams, at a Mrs. Milliner's, at Sidmouth, where ſhe lived with her about ſeven weeks: that Captain Peyton came there about a fortnight afterwards, being then juſt returned from a cruiſe, and ſent from the London inn in that place (where he put his horſe) a note, which was brought to Mrs. Milliner's, who delivered it to Mrs. Williams; and then Mrs. Williams ſent Mrs. Milliner to the Captain, at the inn; but with what meſſage, the deponent cannot ſay. That, the ſame evening, about eight o'clock, Mrs. Milliner, returned, with Captain Peyton to Mrs. Williams's

liams's lodgings; and the Captain ſtaid with her there till two o'clock the next morning; and that he viſited her there two or three times afterwards, about ſeven or eight o'clock in the evening; and ſtaid with her, as ſhe believes, till nearly the ſame time as before. That ſoon afterwards, he came more frequently; and ſome times ſtaid three or four days together; then he uſed to break-faſt, dine, and ſup, with Mrs. Williams alone; and would behave as maſter of the houſe, and give orders and directions to the deponent as ſuch.

She further depoſes that, as ſhe has ſaid before, the Captain uſed to viſit her miſtreſs, and frequently be alone with her. That one night, ſhe ſuſpecting a criminal intercourſe, liſtened at the parlour door, where ſhe knew the Captain and her miſtreſs were then alone together, having juſt before carried into the room ſome candles; that ſhe then heard Captain Peyton kiſs Mrs. Williams, and likewiſe Mrs. Williams ſpeak in a low tone of voice; but ſhe could not diſtinguiſh her words; but ſhe plainly heard Capt. Peyton ſay, "My G-d defend me, I won't hurt you." That then a little ſtruggling, or buſtling enſued, and ſhe likewiſe heard a ſhortneſs of breathing, as if two people were in the act of ———; as well as the cracking of a chair; and this deponent ſaw a chair, belonging to the parlour, broke the next morning.

That Captain Peyton went away, as ſhe believes, about twelve or one o'clock that night, after which ſhe lighted her miſtreſs to bed. That, after her miſtreſs had got into bed, ſhe aſked this deponent, whether her under-petticoat was clean, when ſhe put it on in the morning, for that now there was a ſtain upon it; the deponent replied, that it was quite clean when ſhe gave it her in the morning. Her miſtreſs than called her

her to look at the ſtain, which ſhe did, and ſaid the ſtain was not there in the morning. That then Mrs. Williams changed colour, and ſeemed confuſed; and ordered this deponent to put it with her other dirty linen. She then left her miſtreſs's room, and took it with her, and examined the petticoat, and found the ſtains ſomewhat wet: the next morning ſhe brought her miſtreſs a clean ſhift, as ſhe had been ordered the night before; and, after her miſtreſs had changed, ſhe examined that which ſhe had taken off, and found on it the ſame kind of marks, or ſtains, as ſhe ſaw before on the petticoat. That ſoon after her miſtreſs came to this deponent in the hall, outſide the parlour, and brought her a chair that was broke, and aſked her, whether ſhe knew how it came to be broken? and the deponent ſaid, ſhe did not know. That Mrs. Williams then told her, that ſhe ſhould ſet that chair in the hall, and bring one from thence into the parlour; and that which was broke, muſt be paid for.

She further ſaith that, during the time Mrs. Williams was at Sidmouth, ſhe waſhed all her linen, (except two or three times) that ſhe has taken particular notice that, after the Captain had been with her miſtreſs, there were divers marks or ſtains on her ſhifts; which ſhe never perceived but when Captain Peyton was with Mrs. Williams at Sidmouth; which were of the ſame nature with thoſe ſhe had before obſerved, on her miſtreſs's ſhifts at Dawliſh.

She further ſays, that Mr. Williams was at Sidmouth but once, during that time ſhe was there with her miſtreſs; and at that time he did not ſleep with Mrs. Williams. She verily believes, that the ſaid ſtains were occaſioned by an improper connexion, between Captain Peyton and her miſtreſs.

She

She likewiſe depoſes that, Mrs. Williams told her, before ſhe left Sidmouth, that her uncle Milford, and Dr. Roe had been with her, and told her they would not leave her, unleſs ſhe would promiſe ſhe would not ſpeak to Captain Peyton for a twelvemonth; but, though ſhe had ſpoke (or promiſed it) with her tongue, yet ſhe did not do it with her heart. And this deponent ſays, that, from all the foregoing circumſtances of her depoſition, ſhe verily believes the ſaid Mrs. Williams to be of a vicious and lewd diſpoſition; and that ſhe and Captain Peyton have often had the carnal knowledge of each other, and committed the crime of Adultery together.

The Mark of
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MARY CRUISE.

The Depoſition of Mary Lane.

MARY LANE, now living with Mr. Ackland, at Minehead, in the county of Somerſet, aged about twenty-ſeven years, a witneſs produced and ſworn, depoſes and ſays, that ſhe came to live with Mr. John Williams, and Elizabeth his wife, (parties in this cauſe) about the latter end of October, 1779, as ſhe believes; and continued in their ſervice near a twelvemonth; that ſhe well knows Captain Peyton, from his frequent viſits to her maſter's houſe, when at Exeter.

That about Midſummer following, her maſter took lodgings at Dawliſh, in the county of Devon, and about twelve miles from Exeter, on the ſea-coaſt. That the Beaver ſloop, which Captain Peyton

Peyton commanded, then lay at a few miles diſtance, on the weſt ſide of the river. That, ſoon after, Mrs. Williams went to her lodgings at Dawliſh, Captain Peyton removed his horſe (which had been uſually kept at Exmouth) to Dawliſh: that the Captain was ſometimes alone with her miſtreſs, during Mr. Williams's abſence; and ſometimes Miſs Harris, who was then on a viſit to Mrs. Williams, uſed to be with them: that Mrs. Williams ſome time afterwards, took other lodgings at Dawliſh, of Sarah Deering, for the better accommodation of the family; and in the parlour of the ſaid laſt mentioned lodgings, there was a ſmall tent-bed, in which her maſter uſually ſlept when he came to Dawliſh; and the deponent, when he was not there; as her maſter uſually came to Dawliſh of a Saturday, and continued there till the Monday following; and ſometimes oftener than once a week, as his buſineſs would permit. That, ſoon after the latter lodgings were taken, ſhe met her miſtreſs coming out about twelve o'clock in the morning, from Deering's houſe; and while ſhe was in converſation with her miſtreſs, Captain Peyton alſo came out. That, on Mrs. William's and the Captain's going away, this deponent, ſuſpecting a criminal intercourſe between them, and having reaſon to believe that they had been alone together; ſhe had the curioſity to go into the little parlour, where the tent-bed was; and on which ſhe had ſlept the preceding night; and which this deponent made up in the morning, and obſerved it to be much tumbled, as if ſome perſon or perſons had lain thereon; and likewiſe the ſervant man's great coat, which uſually hung behind the door, thrown on the bed; which was not there in the morning, when ſhe made it up; and further, obſerved marks or ſcratches on the floor of the room, near the ſaid bed; which appeared as though made with the tops of boots or ſhoes.

She further depoſes, that her fellow ſervant, Suſannah Tozer, ſhewed her two or three pair of her miſtreſs's ſilk ſtockings, which were very dirty and black, as if boots, or ſhoes had been rubbed againſt them.

This deponent further ſays, that ſhe had once ſeen Captain Peyton kiſs Mrs. Williams; and has frequently ſeen her put her leg on his knee, for him to buckle her ſhoes; which he accordingly did.

This deponent further adds that, from obſerving ſo much familiarity between Captain Peyton and her miſtreſs; and, from the general report of their criminal intercourſe; and, as well for the ſake of her own character, ſhe quitted Mrs. Williams's ſervice ſoon afterwards.

She further depoſes that, from the circumſtances of the Captain's being ſometimes alone with her miſtreſs for ſome hours together; and ſeeing the tent-bed ſo much tumbled, as before mentioned; ſhe does verily believe, that Captain Peyton and Mrs. Williams, had carnal knowledge of each other, and did then commit the crime of Adultery. She likewiſe depoſes that, before her maſter took lodgings at Dawliſh, he was abſent at Barnſtaple upon ſome buſineſs, for four or five days, during which time Captain Peyton lodged at the Hotel at Exeter; and viſited her miſtreſs conſtantly every day; and ſtaid with her for ſome hours together alone; and ſeldom left the houſe till nine or ten in the evening: this deponent further ſays, that ſhe was told by her fellow ſervant, Suſannah Tozer, that her miſtreſs ordered her that no one ſhould come to her, until ſuch time as ſhe rung the bell; and further ſhe cannot depoſe.

MARY LANE.

The

The Depoſition of James Biſgood.

James Biſgood, of the city of Exeter, ſcrivener, aged about fifty-one years and upwards, a witneſs, produced and ſworn; depoſes, that the paper writing or exhibit, marked with the letter A, hereto annexed, and now ſhewn to him at the time of his examination, is and contains a true copy of the regiſter of the baptiſm of Sophia Melhuiſh, which was faithfully extracted and taken by this deponent, from the regiſter-book of the pariſh of Northam aforeſaid, and by him was compared with the original.

JAMES BISGOOD.

DEVON. Northam. Pariſh Regiſter.

BAPTISMS, 1782.

Sophia Melhuiſh, daughter of Mrs. Elizabeth Williams, wife of Mr. John Williams, an Attorney at Law in Exeter, was baptiſed January 18th.

The Depoſition of Samuel Caſely.

Samuel Caſely, of the city of Exeter, aged about thirty years, now a ſervant to Mr. John Williams (a party in this cauſe) with whom he has lived for ſeven years and upwards, depoſes and ſays, to the twenty-ſecond article of the libel, that his maſter hath never lived and cohabited with Elizabeth Williams, his wife, ſince the ſeparation took place, which this deponent believes to have been in the month of October, 1780.

That he hath never ſeen, nor doth he believe that they have been together ſince the time of the aforeſaid ſeparation.

SAMUEL CASELY.

The Depoſition of William Sandford.

William Sandford, of the city of Exeter, gentleman, aged about thirty-eight years, a witneſs, produced and ſworn.

To the thirteenth article of the libel, this deponent ſays, that the paper writing or exhibit, marked with the letter B, and now ſhewn to this deponent at the time of examination, containing articles of ſeparation between John Williams and Elizabeth Williams (parties in this cauſe) is the very ſame paper writing that was drawn and prepared by this deponent, and to which he ſubſcribed his name, as witneſs to the execution thereof, and that he ſaw the ſame duly ſigned, ſealed, and delivered by the ſaid John Williams and Elizabeth his wife, and for further particulars, he refers to the ſaid deed; and this deponent further ſays, that he drew the ſaid deed at the inſtance of the ſaid John Williams and his wife.

To the twentieth article this deponent ſays, there was an action brought in his Majeſty's court of King's Bench, as he believes, againſt Joſeph Peyton, by the name and deſcription as in the libel mentioned, as this deponent believes, for damages, ſuſtained by the ſaid John Williams, on treſpaſs for criminal converſation with his wife. That the cauſe came on to be heard, to the beſt of his recollection, at the ſummer aſſizes, held ſometime in Auguſt laſt, at the Caſtle of Exeter, before Sir Richard Perryn, Knight. That after the examination

amination of ſeveral witneſſes, a verdict was given for the plaintiff, for one thouſand pounds damages, with coſts of ſuit as this deponent believes.

WILLIAM SANDFORD.

The Depoſition of Jonathan Green.

Jonathan Green, of the city of Exeter, gentleman, aged about ſixty-one years and upwards, a witneſs, produced and ſworn, depoſes and ſays,

To the twenty-ſecond and twenty-third articles of the libel, this deponent has been informed, and verily believed, that Mr. Williams has not lived and cohabited with his wife, Elizabeth Williams, ſince the month of October, 1780, which he believes was the time that the ſeparation took place between the parties in this cauſe; and he further depoſes, that on the eleventh day of October, 1781, (having made a memorandum of the day) the deponent being at Appledore in the county of Devon, met Mrs. Williams in the ſtreet, between the hours of ſeven and eight, in the evening. That as ſoon as he made himſelf known to her, and the uſual compliments were paſſed of aſking each other how they did; and this deponent expreſſing ſome concern to ſee her alone ſo dark an evening, and in ſo diſagreeable a place; ſhe ſaid ſhe expected a ſervant to call at Mr. Hogg's for her, where ſhe was then going. That ſhe ſpoke with a very low tone of voice, ſaid ſhe was the moſt miſerable of all beings, and immediately burſt out into a flood of tears, almoſt into an agony. This deponent then returned with her to Mr. Hogg's, when ſhe repeated the ſame xpreſſion as before, that ſhe was the moſt miſerable

miſerable of all beings. That this deponent then obſerved, "If I am not miſtaken, madam, you are big with child;" ſhe replied, "I am; and don't know whether I have more than a month to go." The deponent ſaid he was ſorry to ſee her in ſuch a ſituation, and aſked her if ſhe had a female friend to adviſe or conſult with, and ſhe ſaid ſhe had none; this deponent further remarked, that he was ſorry to hear that Captain Peyton ſlighted her; to which ſhe replied, it was a falſe report. That this deponent then aſked her, if ſhe thought that Captain Peyton would marry her? to which ſhe replied,—"He has promiſed me a thouſand times;" and, that he only waited till the divorce could be obtained; and ſhe likewiſe ſaid, he would have married her before, if he could.

JONATHAN GREEN.

The Depoſition of James Pearce, jun.

James Pearce, the younger, of the city of Exeter, ſcrivener, aged twenty-ſix years and upwards, a witneſs produced and ſworn, depoſes, that the paper writing and exhibition, marked, No. 1, and hereunto annexed and now ſhewn to him, at the time of his examination, is a true copy of the entry of the marriage of John Williams, and Elizabeth Williams, (formerly Melhuiſh) parties in this cauſe, which was faithfully taken and extracted from the regiſter-book of marriages, ſolemnized in the chapel of Withycombe Rawleigh; and which he, this deponent, compared and collated with the original. And he further depoſes, that the ſaid John Williams (party in this cauſe) brought an action in his Majeſty's court of King's Bench, againſt Joſeph Peyton, the younger, Eſq. for damages ſuſtained by him the ſaid John Williams, in treſpaſs, for criminal converſation with his ſaid wife, Elizabeth Williams.

That

That the ſaid cauſe came on to be tried in Auguſt laſt, at the aſſizes held at the Caſtle of Exeter, for the county of Devon, before Sir Richard Perryn, Knight, one of the Barons of his Majeſty's Court of Exchequer, as he believes. and a ſpecial jury, when after an examination of ſeveral witneſſes for the producent, the jury found a verdict for Mr. Williams, for one thouſand pounds damages, with coſts of ſuit.

JAMES PEARCE, jun.

Withycombe Rawleigh Regiſter,
1774.
Banns and Marriages.

BANNS of marriage between John Williams of Littleham and Exmouth, and Elizabeth Melhuiſh of Withycombe Rawleigh, were publiſhed on May 1—8—and 15—of 1774, of the pariſh of Littleham and Exmouth. John Williams and Elizabeth Melhuiſh of this pariſh of Withycombe Rawleigh were married in this chapel, by banns, this 17th day of May, in the year one thouſand ſeven hundred and ſeventy-four, by me,

MATTHEW MUNDAY, vicar.

This marriage was ſolemnized between us,
JOHN WILLIAMS,
ELIZABETH MELHUISH,

In the preſence of
JOHN DRAKE,
WILL. WILLIAMS.

The

The Depoſition of Mary Iſaac.

Mary Iſaac, of Appledore, in the pariſh of Northam, in the county of Devon, now ſervant to Mr. Williams, (party in the cauſe) aged about twenty-five years, a witneſs produced and ſworn.

To the fourteenth article of the libel ſhe depoſes, that ſometime towards the latter end of the ſummer, 1780, ſhe was hired as a ſervant by Mrs. Williams, at Sidmouth, at which place ſhe lived about a week; that ſhe knows Joſeph Peyton, commonly called Captain Peyton; that ſhe came to know him by his viſiting her miſtreſs, at Mr. Milliner's, at Sidmouth, at whoſe lodgings her miſtreſs then was. That Captain Peyton uſed frequently to viſit, dine, ſup, and be alone with Mrs. Williams there, till ten or eleven o'clock at night; but whether he acted as maſter of the houſe, in giving directions as ſuch, ſhe does not know, having been there but a ſhort time.

To the eighteenth article of the libel, ſhe depoſes, that ſome time in the ſpring of the year, 1781, there were lodgings hired for Mrs. Williams, at a Mrs. Scriven's, at Weymouth, in the county of Dorſet; that they conſiſted of two lodging rooms, a dreſſing room, a kitchen, and a parlour: that the deponent ſlept at night in an adjoining houſe, except at ſuch times as when Captain Peyton was abſent from Weymouth; for when he was there he ſlept in the ſame lodgings with Mrs. Williams. The deponent has ſeen the Captain in her miſtreſs's bed-chamber, alone with her. That ſometimes the deponent locked the door of the lodging-houſe, and carried the key with her, when the

the Captain ſlept in that houſe; and at other times he locked the door on the inſide, and kept the key himſelf. That when thoſe aforeſaid lodgings were taken of Mrs. Scriven, ſhe verily believes, that ſhe took them to be man and wife; and thought the ſame for ſome time afterwards: and ſhe verily believes they were generally reputed and taken as ſuch by the people of Weymouth for ſome time.

To the nineteenth article, ſhe depoſes, that ſoon after they quitted the lodgings at Weymouth, they removed to Charmouth, in the county of Dorſet; that Captain Peyton uſed to viſit her miſtreſs there, and be ſometimes alone with her in the bed-chamber; but for how long a time together ſhe does not recollect. That ſhe did ſuſpect a criminal intercourſe between Mrs. Williams and Captain Peyton, at Charmouth, as her miſtreſs appeared to this deponent to be with child. She further adds, that after ſome time, Mrs. Williams ſettled at Northam; and that Captain Peyton's ſloop of war was ſtationed in the harbour of Appledore; that Captain Peyton went on ſhore, lived and cohabited with Mrs. Williams, at bed and board, as his wife; and that ſhe has often ſeen them naked, and alone, in bed together; and that at other times Mrs. Williams has viſited him on board the Beaver ſloop of war, and ſtaid there all night; and, as ſhe believes, ſlept there together alone with him; on which account ſhe verily believes they have had the carnal uſe and knowledge of each others bodies, and committed the crime of adultery together.

To the twenty-ſecond article ſhe depoſes, that ſince ſhe lived with Mrs. Williams, ſhe never ſaw Mr. Williams (party in this cauſe) in company with her miſtreſs; nor ever heard, nor does ſhe believe, that there has been any perſonal intercourſe between them ſince that time.

To the twenty-third article, ſhe depoſes, that Mrs. Williams was delivered of a female child, in her preſence, on the laſt day of December, 1781, who has been ſince baptiſed by the name of Sophia Melhuiſh; but who is the father of the ſaid child ſhe cannot take upon her to ſay; ſhe has never heard Captain Peyton, or Mrs. Williams, ſay whoſe child it was. To the twenty-fifth, and twenty-ſixth articles, ſhe depoſes as before, that her miſtreſs ſtill reſides in the pariſh of Northam, and dioceſe of Exeter; and for further particulars of the ſaid articles ſhe refers to the law.

MARY ISAAC.

26th June, 1782.

The Depoſition of Benjamin Follet.

BENJAMIN FOLLET, the younger, of Garden Court, Middle Temple, London, gentleman, aged about thirty-three years, a witneſs produced and ſworn.

To the twenty-firſt article of the ſaid libel, and to the paper writing, or exhibit marked No. 2, therein pleaded and propounded, and annexed to the ſaid libel, this deponent ſaith, that he was the attorney for John Williams, the producent in this cauſe, in a ſuit lately depending in his Majeſty's court of King's Bench, between him the ſaid John Williams, and Joſeph Peyton, the younger, Eſquire; and that on the fifteenth day of November, laſt paſt, he did obtain from the clerk of the King's Bench Treaſury, a copy

a copy of the original judgment made by the ſaid court of King's Bench, in the aforeſaid cauſe; and that, after he had obtained the ſaid copy, he, the deponent, together with one of the clerks of the King's Bench Treaſury aforeſaid, did examine the ſaid copy with the original record, and found it to agree therewith; and the deponent, ſays, that the paper writing marked, No. 2, now produced and ſhewn to him, is the very copy he ſo examined with the original record, by reaſon that the name, Benjamin Follet, jun. ſubſcribed to the atteſtation at the foot of the ſaid copy, is of this deponent's hand-writing.

BENJAMIN FOLLET, jun.

EXHIBITS.

No. 1.

Banns of marriage between John Williams, of Littleham and Exmouth, and Elizabeth Melhuiſh, of Wythicombe Rawleigh, were publiſhed on May the 1ſt, 8th, and 15th, 1774.

No. 63.

John Williams, of the pariſh of Littleham and Exmouth, and Elizabeth Melhuiſh, of this pariſh of Wythicombe Rawleigh, were married in the chapel, by banns, this 17th day of May, in the year one thouſand ſeven hundred and ſeventy-four,

by me,

MATTHEW MUNDAY, vicar.

This marriage was ſolemnized between us, } JNO. WILLIAMS, } ELIZ. MELHUISH.

In the preſence of

JOHN DRAKE,
WILLIAM WILLIAMS.

The above was taken out of Wythicombe Rawleigh Regiſter, in the county of Devon, this 17th day of May, 1774, by me,

MATTHEW MUNDAY,
Vicar of Wythicombe Rawleigh.

No. 2.

Pleas before our Lord the King, at Weſtminſter, of the Term of the Holy Trinity, in the twenty-firſt year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and in the year of our Lord, 1781.

Trinity Term, 21ſt. Geo. III. Roll 672.

Devonſhire. John Williams, Gentleman, puts in his place Benjamin Follet, the younger, his attorney, againſt Joſeph Peyton, the younger, Eſq. in a plea of Treſpaſs on the caſe.

Devonſhire, to wit. The ſaid Joſeph Peyton puts in his place William Sleigh, his attorney, at the ſuit of the ſaid John Williams, in the plea aforeſaid.

Devonſhire, to wit. Be it remembered, that heretofore, that is to ſay, on Friday next, after fifteen days from Eaſter day in the term of Eaſter, now laſt paſt, before our Lord the King, at Weſtminſter, came John Williams, Gentleman, by Benjamin Follet, the younger, his attorney, and brought here into the Court of our ſaid Lord the King, then and there, his certain bill againſt Joſeph Peyton the younger, Eſq. being in the cuſtody of the marſhal, of the Marſhalſea, of our Sovereign Lord the King, before the King himſelf, of a plea of treſpaſs on the caſe, and there are pledges for proſecuting, namely, John Doe and Richard Roe; which ſaid Bill followeth in theſe words: that is to ſay,

Devonſhire, to wit. John Williams, Gentleman,

man, complains againſt Joſeph Peyton, the younger, Eſq. being in the cuſtody of the marſhal of the Marſhalſea of our Sovereign Lord the King, before the King himſelf; for that the ſaid Joſeph, on the firſt day of September, in the year of our Lord one thouſand ſeven hundred and ſeventy-nine, and on divers other days and times between that day and the day of exhibiting the bill of the ſaid John, at Dawliſh, in the county of Devon, with force and arms aſſaulted Elizabeth then and ſtill the wife of the ſaid John Williams, and beat and ill-treated her, and then and there raviſhed, defloured, debauched, lay with, and carnally knew her the ſaid Elizabeth, whereby the ſaid John, for a long time, to wit, from the ſaid firſt day of September, in the year aforeſaid, hitherto hath loſt and been deprived of the comfort and fellowſhip of his ſaid wife, and her aid and aſſiſtance in his domeſtic affairs, which during all the time aforeſaid he ought to have had, and might have had, to wit, at Dawliſh aforeſaid, and then and there did other injuries to the ſaid John, to the great damage of the ſaid John, and againſt the peace of our Lord the King. Whereupon the ſaid John ſaith, that he is injured and hath ſuſtained damage to the value of two thouſand pounds, and therefore he brings his ſuit, &c.

And now at this day, that is to ſay, on Friday next, after the morrow of the Holy Trinity, in this ſame term, to which day the ſaid Joſeph had leave to impart to the ſaid bill of the ſaid John; and then to anſwer, &c. before our Lord the King, at Weſtminſter, comes as well the ſaid John, by his attorney aforeſaid, as the ſaid Joſeph by William Sleigh, his attorney; and the ſaid Joſeph defends the force and injury, when, &c. and ſays that he is not guilty of the premiſſes above laid to his charge, in manner and form as the ſaid John above complains againſt him, and of this he puts himſelf upon the country, and the ſaid

John

John doth the like; therefore, let a jury come thereupon before our Lord the King, at Weſtminſter, on Wedneſday next, after three weeks from the day of the Holy Trinity, by whom, &c. and who neither, &c. to recognize, &c. becauſe as well, &c. the ſame day is given to the ſaid parties, at the ſame place.

Afterwards the ſaid proceedings were continued between the parties aforeſaid, of the plea aforeſaid, by reſpiting the jury between them, before our Lord the King, at Weſtminſter, until Tueſday next, after the morrow of All Souls; unleſs the Juſtices of our Lord the King, aſſigned to hold the aſſizes in and for the County aforeſaid, ſhall firſt come on Monday, the ſixth day of Auguſt next, at the Caſtle of Exeter, in the county aforeſaid, according to the form of the ſtatute, &c. for default of the jurors, &c. At which day, before our Lord the King, at Weſtminſter, the ſaid John comes by his attorney, and the ſaid juſtices, before whom, &c. ſent here their record, had before them in theſe words:

Afterwards, on the day and at the place within-contained, before Sir Richard Perryn, Knight, one of the Barons of his Majeſty's Court of Exchequer, and Francis Buller, Eſq. one of the Juſtices of his Majeſty's Court of King's-Bench, Juſtices of our Lord the King, appointed to take the aſſizes for the County within written, according to the form of the ſtatute, &c. come, as well as the within-named John Williams, as the within-named Joſeph Peyton, the younger, Eſq. by their attornies, alſo within-named; and the jurors of the jury, whereof mention is within made, being ſolemnly called, twelve of them, to wit; Sir Frederick Leman Rogers, Baronet, John Stuard, Philip Rogers Webber, Robert Harding, Charles Webſter, Richard Bowden, Giles Yard, Thomas Lear, William Mackworth Praed, Eſquires;

Sir

Sir John Duntze, Baronet, Robert Cooke, and Thomas Taylor, Eſquire; likewiſe came, and being elected, tried and ſworn, to ſpeak the truth of the matters within contained, ſay upon oath, that the ſaid Joſeph is guilty of the premiſſes within laid to his charge, in manner and form as the ſaid John within complains againſt him, and they aſſeſs the damages of the ſaid John, by reaſon of the premiſſes over and above his coſts and charges, which he has been put to about his ſuit in this behalf, to one thouſand pounds, and for thoſe coſts and charges to 40 ſhillings. Therefore it is conſidered, that the ſaid John recover againſt the ſaid Joſeph the damages, ſo as aforeſaid aſſeſſed by the ſaid jury; and alſo one hundred and twenty-eight pounds for increaſe of his ſaid coſts and charges, by this court adjudged to him at his requeſt, which ſaid damages amount in the whole to eleven hundred and thirty pounds, and the ſaid Joſeph,

Mercy in mercy, &c.

Examined

Examined with the original record, in the cuſtody of the clerk of the King's Bench Treaſury, the 15th day of November, 1781.

BENJAMIN FOLLETT, junr.

SENTENCE.

Upon hearing the depoſitions of the witneſſes in this cauſe, a definitive ſentence or decree was promulged to the following effect, viz. That Elizabeth Williams, after the ſolemnization and conſummation of her marriage with John Williams, being altogether unmindful of her conjugal vow, &c. did, in the years and months libellate, commit the crime of Adultery with Joſeph Peyton, &c. and did thereby violate her conjugal duty, &c. It is therefore pronounced and decreed, that John Williams ſhall be divorced, &c. from bed, board, and mutual cohabitation with his wife, by reaſon of adultery by her committed, &c.

FINIS.